

REMARKS

AMENDMENTS TO THE DRAWINGS

Figures 1 and 2 have been amended by adding part number “230” to indicate the location of the hook element discussed in the instant application. Since the hook 230 is fully described in the instant specification and is clearly illustrated clearly in the drawings, the addition of part number 230 does not constitute new matter.

AMENDMENTS TO THE SPECIFICATION

Not applicable.

AMENDMENTS TO THE CLAIMS

Claims 1 and 16 have been amended to more clearly reflect the invention claimed by the instant inventor.

With respect to Claim 1, this claim has been amended to recite that the slot opening is located at the upper terminus of the handle and that the slot is oriented to be generally parallel with the central longitudinal axis of the handle and that the slot has an opening in the periphery of the handle. Support for this amendment may be found, for example, in Figure 1 of the instant application. As such, this amendment does not constitute new matter.

Additionally with respect to Claim 1, this claim has been further amended to recite that the slot and slits are oriented at angles that are greater than about 90° with respect to each other. Support for this amendment may be found, for example, paragraph [0038] of the instant application:

[0038] ... Obviously, there are any number of other orientations in which the slot **210** / retaining slit might be arranged, the only requirement being that the slot **210** and retaining slit should be arranged with sufficient angular separation (preferably at least 90 degrees apart) so that the cord **130** will be securely held by the retaining slit.

As such, this amendment does not constitute new matter.

With respect to Claim **16**, this claim has been similarly modified to include the requirement that the slot and slit be at angles greater than about 90° with respect to each other. Once again, support for this modification may be found within the specification in the portion of paragraph [0038] recited above, among other places. As such, this amendment does not constitute new matter.

OBJECTIONS TO THE DRAWINGS

Applicant's drawings stand as objected to because it is said that the reference sign "hook 230" is not included in the drawings.

In reply, applicants have submitted a new drawing page that indicates the location of hook 230 within Figures 1 and 2.

As a consequence, it is believed that the modified drawings submitted herewith have made the examiner's objection moot and withdrawal of said objection is hereby requested.

CLAIM OBJECTIONS AND REJECTIONS

Rejections Under 35 U.S.C. 102(b)

In Paragraph 2, Claims 1, 3-5, 8, 12, 16, and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen (USPN 6,453,503).

It is said that Chen discloses all elements of the claimed invention including an elongate handle, the handle having an upper and lower end, a forward side and a rearward side, and a periphery, wherein at least the lower end is adapted for grasping, the upper end of the handle having a slot, the slot having a terminus that extends to the periphery of the handle upper end, wherein the handle has at least one retaining slit therein, the at least one retaining slit being proximate to the slot and having a terminus that extends to the periphery of the handle upper end, and a porous scrubbing material having an attaching cord affixed thereon, whereby the cord is adapted to pass through the slot and engage the retaining slit.

In response, and with respect to **Claim 1**, it should be noted as an initial matter that Chen has no slots or slits as those terms are used in the instant disclosure. That is, the Examiner points to Chen's holes 46 and 47 as corresponding to applicant's slits / slots. The applicant respectfully differs. More particularly, as is clearly indicated in applicant's figures the slit and the slot that are called for in this claim are elongated openings that extend through the body of the handle and that are sized to allow engagement of an attaching cord therein.

The difference between the use of a slit (or slot) and a hole (as that term is used by Chen) is critical to the operation of the instant invention. That is, in order for a user to affix a scrubbing element to Chen's device its attaching cord(s) must be threaded through the holes 46 / 47 and tied, a process that is time consuming and potentially tedious, depending on the relative sizes of the holes and cords.

On the other hand, the instant invention quickly and efficiently operates to secure a scrubbing element to the instant handle by, first, engaging a attaching cord of the scrubbing element to the slot that is situated near the terminus of the handle and subsequently to the slit, the combined friction of the slot and slit being sufficient to hold the scrubbing element in place. In short, according to the instant invention all of the operations necessary to secure the scrubbing element to the handle may be performed without releasing hold of the end of the attaching cord.

The Federal Circuit, in discussing the elements of a proper 102 rejection, has said:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984).

In the present case, Chen does not disclose each and every element of the claimed invention arranged as in the claim. In more particular, Chen does not disclose the slots / slits of the instant invention and, as a consequence, it is believed that the instant rejection of **Claim 1** under Section 102 is improper and should be withdrawn.

Further, it is believed that each rejection of a claim depending from **Claim 1** should similarly be withdrawn, as the subject claim is dependent from an allowable claim.

Regarding **Claims 3 and 18**, it is said that the cord is capable of being removably attached to the scrubbing material.

In reply, Chen does not teach or suggest the use of a slit / slot combination to quickly removably secure a scrubbing element to a handle.

As such, for at least all of the reasons given above, it is believed that the instant rejection of **Claims 3 and 18** are improper and should be withdrawn.

Regarding **Claims 4 and 18**, it is said that Chen teaches the use of a scrubbing material where the scrubbing material is a mesh netting.

In reply, Chen does not teach or suggest the use of a slit / slot combination to quickly secure a mesh netting to a handle via an attaching cord.

As such, for at least all of the reasons given above, it is believed that the instant rejection of **Claims 4 and 18** are improper and should be withdrawn.

Regarding **Claims 5 and 19**, it is said Chen discloses a scrubbing device wherein the upper end of the handle is outwardly flared at its terminus.

In reply, applicant would point out that Chen does not teach or suggest the use of a handle that is outwardly flared at its terminus which further contains a slit / slot combination to quickly secure a mesh netting to a handle via an attaching cord.

As such, for at least all of the reasons given above, it is believed that the instant rejection of **Claims 5 and 19** are improper and should be withdrawn.

Regarding **Claim 8**, it is said that Chen discloses a plurality retaining slits.

In reply, applicant would point out that Chen does not teach or suggest the use of a plurality of slits / slots as those terms are used in the instant disclosure. More particularly, Chen utilizes holes – as opposed to slits / slots – in his handle a means of affixing his scrubbing element to the handle. As has been mentioned previously, that configuration is awkward to use in that the attaching cord must be threaded through multiple holes and, for that reason, a user cannot quickly attach the scrubbing element to the handle.

As such, for at least all of the reasons given above, it is believed that the instant rejection of **Claim 8** is improper and should be withdrawn.

Regarding **Claim 12**, it is said that, at least one of the retaining slits of Chen is formed in the upper end of the handle at a shoulder of the outwardly flaring terminus of the handle.

In reply, applicant would point out that Chen does not teach or suggest the use of slits / slots as those terms are used in the instant disclosure. More particularly, Chen utilizes holes – as opposed to slits / slots – in his handle a means of affixing his scrubbing element to the handle. As has been mentioned previously, that configuration is awkward to use in that the attaching cord must be threaded through multiple holes and, for that reason, a user cannot quickly attach the

scrubbing element to the handle. Chen does not teach or suggest the use of retaining slits formed in the upper end of a handle and at the shoulder of the outwardly flaring terminus of the handle.

As such, for at least all of the reasons given above, it is believed that the instant rejection of **Claim 12** is improper and should be withdrawn.

CLAIM OBJECTIONS AND REJECTIONS

Rejections Under 35 U.S.C. 102(e)

In Paragraph 3, Claims **1-2, 5, 7, 16-17** and **19** are rejected under 35 U.S.C. 102(e) as being anticipated by Hillman (USPN 6,689,224).

It is said that Hillman discloses the claimed invention including an elongate handle, the handle having an upper and a lower end, a forward side and a rearward side, and a periphery, wherein at least the lower end is adapted for grasping, the upper end of the handle having a slot, the slot having a terminus that extends to the periphery of the handle upper end, wherein the handle has at least one retaining slit therein, the at least one retaining slit being proximate to the slot and having a terminus that extends to the periphery of the handle upper end, and a porous scrubbing material having an attaching cord affixed thereto, whereby the cord is adapted to pass through the slot and engage the retaining slit.

First with regards to independent **Claim 1** as-amended, first note that Hillman does not teach or suggest the utilization of a slot that has an opening at an upper end of the handle in combination with a slit that is oriented at an angle greater than about 90° with respect with the slot. Additionally, Hillman does not teach or suggest a slot that is oriented substantially parallel to a center axis of the handle. Finally, operationally, applicant's invention just functions completely differently from that of Hillman's, in that it is possible to affix a scrubbing element to applicant's invention in a single continuous motion.

As such, it is believed that Hilman does not include each and every element of applicant's invention set out as in the claims. Thus, it is believed that the instant rejection of **Claim 1** under Section 102 is improper and should be withdrawn.

Further, it is believed that each rejection of a claim depending from Claim 1 should similarly be withdrawn, as the subject claim is dependent from an allowable claim.

Next considering **Claim 2**, first note that Hilman does not teach or suggest the utilization of a scrubbing handle that has a slot with an opening at an upper end of the handle that is to be used in combination with a slit that is oriented at an angle greater than about 90° with respect with the slot. Further, Hilman does not teach or suggest a configuration according to Claim 1, but wherein the attaching cord is selected from a group consisting of string, twine, etc., as is recited in Claim 2.

As a consequence, in view of the foregoing, and further in view of the fact that Claim 2 is dependent from a claim that is believed to be allowable, it is believed that Hilman does not include each and every element of applicant's invention set out as in the claims. Thus, it is believed that the instant rejection of dependent **Claim 2** under Section 102 is improper and should be withdrawn.

Turning next to **Claim 5**, as has been previously noted Hilman does not teach or suggest a scrubbing handle that has an engaging slot with an opening at an upper end of the handle that is to be used in combination with a slit that is oriented at an angle greater than about 90° with respect with the slot. Further, Hilman does not teach or suggest a configuration according to Claim 1, but wherein the handle is elongated and the upper end of the handle is outwardly flared at its terminus as is recited in dependent Claim 5.

As a consequence, in view of the foregoing, and further in view of the fact that Claim 5 is dependent from a claim that is believed to be allowable, it is believed that Hilman does not teach

or suggest each and every element of applicant's invention set out as in the claims. Thus, it is believed that the instant rejection of **Claim 5** under Section 102 is improper and should be withdrawn.

Turning next to **Claim 7**, it should be noted that Hilman does not teach or suggest a scrubbing handle that has an engaging slot with an opening at an upper end of the handle that is to be used in combination with a slit that is oriented at an angle greater than about 90° with respect with the slot. Further, Hilman does not teach or suggest a configuration according to **Claim 1**, but wherein the slit and slot are parallel, i.e., wherein they are oriented at an angle of about 180° with respect to each other as is recited in **Claim 7**.

As a consequence, in view of the foregoing, and further in view of the fact that **Claim 5** is dependent from a claim that is believed to be allowable, it is believed that Hilman does not teach or suggest each and every element of applicant's invention set out as in the claims. Thus, it is believed that the instant rejection of **Claim 7** under Section 102 is improper and should be withdrawn.

Considering next **Claim 16** as-amended, it should be noted that Hilman does not teach or suggest a scrubbing handle that has an engaging slot with an opening at an upper end of the handle that is to be used in combination with a slit that is oriented at an angle greater than about 90° with respect with the slot as is required by the instant **Claim 16** as-amended.

As a consequence, in view of the foregoing, it is believed that Hilman does not teach or suggest each and every element of applicant's invention set out as in the claims. Thus, it is

believed that the instant rejection of **Claim 16** under Section 102 is improper and should be withdrawn.

Further, it is believed that each rejection of a claim depending from **Claim 16** should similarly be withdrawn, as the subject claim is dependent from an allowable claim.

Turning next to **Claim 17**, it should be noted that Hilman does not teach or suggest a scrubbing handle that has an engaging slot with an opening at an upper end of the handle that is to be used in combination with a slit that is oriented at an angle greater than about 90° with respect with the slot as is required by the instant independent **Claim 16** as-amended. Further, Hilman does not teach or suggest a configuration according to **Claim 16**, but wherein the attaching cord is selected from a group consisting of string, twine, etc., as is recited in dependent **Claim 17**.

As a consequence, in view of the foregoing, and further in view of the fact that **Claim 16** is dependent from a claim that is believed to be allowable, it is believed that Hilman does not teach or suggest each and every element of applicant's invention set out as in the claims. Thus, it is believed that the instant rejection of **Claim 17** under Section 102 is improper and should be withdrawn.

Finally, considering **Claim 19**, as has been previously noted Hilman does not teach or suggest a scrubbing handle that has an engaging slot with an opening at an upper end of the handle that is to be used in combination with a slit that is oriented at an angle greater than about 90° with respect with the slot. Further, Hilman does not teach or suggest a configuration

according to Claim 1, but wherein the handle is elongated and the upper end of the handle is outwardly flared at its terminus as is recited in dependent Claim 17.

As a consequence, in view of the foregoing, and further in view of the fact that Claim 19 is dependent from a claim that is believed to be allowable, it is further believed that Hilman does not teach or suggest each and every element of applicant's invention set out as in the claims. Thus, it is believed that the instant rejection of **Claim 19** under Section 102 is improper and should be withdrawn.

CLAIM OBJECTIONS AND REJECTIONS

Rejections Under 35 U.S.C. 102(b)

In Paragraph 4, Claims **1-5, 7-8, 16-19** are rejected under 35 U.S.C. 102(e) as being anticipated by Weaver (USPN 3,571,837).

It is said that Weaver discloses the claimed invention including an elongate handle, the handle having an upper and a lower end, a forward side and a rearward side, and a periphery, wherein at least the lower end is adapted for grasping, the upper end of the handle having a slot, the slot having a terminus that extends to the periphery of the handle upper end, wherein the handle has at least one retaining slit therein, the at least one retaining slit being proximate to the slot and having a terminus that extends to the periphery of the handle upper end, and a porous scrubbing material having an attaching cord affixed thereon, whereby the cord is adapted to pass through the slot and engage the retaining slit.

In reply and with respect to independent **Claim 1**, applicant would note initially that that Weaver does not teach or suggest the utilization of a slot that has an opening at an upper end of the handle in combination with a slit that is oriented at an angle greater than about 90° with respect with the slot. Additionally, Weaver does not teach or suggest a slot that is oriented substantially parallel to a center axis of the handle. Further, Weaver does not teach or suggest a retaining slit, i.e., a slit that is designed to hold a cord in place by friction. Finally, Weaver's invention does not utilize a scrubbing element with an attaching cord affixed thereto. As should be clear by reference to Weaver's Figure 3 and 4 and the specification at col. 1 line 39 - col. 2 line 3, the elastic band 15 that locks Weaver's scrubbing element in place is an elastic band or

similar. Applicant could find no teaching within Weaver that the elastic band should be affixed to his scrubbing element.

As such, it is believed that Weaver does not include each and every element of applicant's invention set out as in the claims. Thus, it is believed that the instant rejection of **Claim 1** under Section 102 is improper and should be withdrawn.

Further, it is believed that each rejection of a claim depending from Claim 1 should similarly be withdrawn, as the subject claim is dependent from an allowable claim.

In reply and with respect to independent **Claim 16 as-amended**, applicant would note initially that that Weaver does not teach or suggest the utilization of a slot that has an opening at an upper end of the handle proximate to the handle terminus, in combination with a retaining slit that is oriented at an angle greater than about 90° with respect with the slot. Additionally, Weaver's invention does not utilize a scrubbing element with an attaching cord affixed thereto. As should be clear by reference to Weaver's Figure 3 and 4 and the specification at col. 1 line 39 - col. 2 line 3, the elastic band 15 that locks Weaver's scrubbing element in place is an elastic band or similar. Applicant could find no teaching within Weaver that the elastic band should be affixed to his scrubbing element.

As such, it is believed that Weaver does not include each and every element of applicant's invention set out as in the claims. Thus, it is believed that the instant rejection of **Claim 16 as amended** under Section 102 is improper and should be withdrawn.

Further, it is believed that each rejection of a claim depending from Claim 16 should similarly be withdrawn, as the subject claim is dependent from an allowable claim.

Regarding **Claims 2 and 17**, it is said that the cord is an elastic band.

In reply, applicant believes that the instant rejection with respect to these claims should be withdrawn as these claims are both dependent from claims that are believed to be allowable (i.e., **Claims 1 and 16**, respectively).

However, applicant would again note that Weaver does not teach or suggest applicant's configuration of slot / restraining slit as described previously. Further, both **Claims 2 and 17** inherit the limitation from its respective parent that the attaching cord be affixed to the scrubbing element, which limitation is not shown or suggested in Weaver.

As a consequence, it is believed that for at least all of the above reasons Weaver does not disclose each and every element of **Claims 2 and 17** as set out in the claims and, as such, it is further believed that these claims are in condition for allowance. Withdrawn of the instant rejections is urged.

It is also said that, regarding **Claims 3**, the cord is capable of being removably attached to the scrubbing material.

In reply, applicant believes that the instant rejection with respect to this claim should be withdrawn as this claim is dependent from a claim that is believed to be allowable (i.e., **Claim 1**).

However, applicant would again note that Weaver does not teach or suggest applicant's configuration of slot / slit(s) as described previously. Further, Weaver does not teach or suggest affixing the attaching cord – either removably or permanently – to his cleaning cloth.

As a consequence, it is believed that for at least all of the above reasons Weaver does not disclose each and every element of **Claim 3** as set out in the claims and, thus, withdrawn of the instant rejection under Section 102 is urged.

It is also said that, regarding **Claims 18**, the cord is capable of being removably attached to the scrubbing material.

In reply, applicant believes that this is a typographical error. On Page 5 of the Office Action, the Examiner indicates “Regarding claims 3 and 18, the cord is capable of being removable attached to the scrubbing material (see Figures).” However, applicant’s **Claim 18** does not require that the cord be removable.

In response to this rejection, applicant would reiterate the argument offered with respect to **Claim 3**, *supra*. Additionally, and responding according to the actual wording of **Claim 18**, Weaver does not teach or suggest the use of a scrubbing material taken from a group consisting of a sponge, a mesh, etc., wherein a slot is placed in the handle at its upper terminus, and further where a separate restraining slit is oriented at an angle of greater than about 90° with respect to the slot, and still further where the scrubbing material has an attaching cord affixed thereto.

As a consequence, it is believed that for at least all of the above reasons Weaver does not disclose each and every element of **Claim 18** as set out in the claim and, thus, it is in condition for allowance. Withdrawn of the instant rejection is urged.

Regarding **Claim 4**, it is also said on page 5 of the Office Action that the scrubbing material is a washcloth.

In response to this rejection, it should be noted that Weaver does not teach or suggest the use of a scrubbing material taken from a group consisting of a sponge, a mesh, etc., wherein a slot is placed in the handle and oriented to that it is approximately parallel to the central axis of the handle, and further where a separate restraining slit is oriented at an angle of greater than

about 90° with respect to the slot, and still further where the scrubbing material has an attaching cord affixed thereto.

As a consequence, it is believed that for at least all of the above reasons Weaver does not disclose each and every element of **Claim 4** as set out in the claim and, thus, it is in condition for allowance and the rejection of same should be withdrawn.

Regarding **Claims 5 and 19**, it is also said that the upper end of the handle is outwardly flared at its terminus.

In response, first with respect to **Claim 5**, it should be noted that Weaver does not teach or suggest the use of a slot that is placed in the handle and oriented to that it is approximately parallel to the central axis of the handle, and further where a separate restraining slit is oriented at an angle of greater than about 90° with respect to the slot, and still further where the terminus of the handle is outwardly flared.

With respect to **Claim 19**, Weaver does not disclose or suggest a scrubbing tool wherein a slot is placed within the handle at its upper end and proximate to its terminus and a slit is placed in the handle at an angular orientation that is greater than about a 90° with respect to the slot. Further, Weaver does not suggest the use of a scrubbing material with an attached cord – either removable or fixed: Weaver’s attaching “cord” is an elastic band which is not attached to the scrubbing material at all.

As a consequence, it is believed that for at least all of the above identified reasons, Weaver does not contains each and every element of the instant invention as set out in the claims and, thus, that **Claims 5 and 19** are in condition for allowance. Applicant urges that the rejection of the instant claims should be withdrawn.

Regarding **Claim 7**, it is also said that the at least one retaining slit is oriented to be substantially parallel to the slot.

In reply, for at least all of the reasons identified above it is believed that the instant rejection under

Regarding **Claim 8**, it is also said that there is a plurality of retaining slits.

In reply, it should be noted that Weaver does not teach or suggest the utilization of a slot that has an opening at an upper end of the handle in combination with a restraining slit that is oriented at an angle greater than about 90° with respect with the slot. Additionally, Weaver does not teach or suggest a slot that is oriented substantially parallel to a center axis of the handle. Finally, Weaver's invention does not utilize a scrubbing element with an attaching cord affixed thereto. As should be clear by reference to Weaver's Figure 3 and 4 and the specification at col. 1 line 39 - col. 2 line 3, the elastic band 15 that locks Weaver's scrubbing element in place is an elastic band or similar. Applicant could find no teaching within Weaver that the elastic band should be affixed to his scrubbing element.

As such, it is believed that Weaver does not include each and every element of applicant's invention set out as in the rejected claim. Thus, it is believed that the instant rejection of **Claim 8** under Section 102 is improper and should be withdrawn.

CLAIM OBJECTIONS AND REJECTIONS

Rejections Under 35 U.S.C. 103

Claims 6, 10, and 11 stand as rejected under 35 U.S.C. 103 as being unpatentable over Chen (USPN 6,453,503) as applied to claim 1, in view of Stenner (USPN 5,182,838).

It is said that Chen discloses the claimed invention but however does not include that at least one of the retaining slits has a left interior face having a left central ridge extending outwardly and a right interior face having a right central ridge extending outwardly therefrom, the left and right ridges being in alignment with and opposing each other providing a raised surface.

It is further said that Stenner teaches a device that has a retaining slit **50** that engages an attaching cord, such as a shoelace 30a, 30b in order to non-permanently grip a cord in place. It is still further said that the slit of Stenner has a left interior face having a left central ridge extending outwardly and a right interior face having a right central ridge extending outwardly therefrom (as shown in FIGS. 2A, 2B, 3A, 4A, 5A and 6), the left and right ridges being in alignment with and opposing each other providing a raised surface along which the cord may be moved. Additionally, it is said that the retaining slit is lined with a non-skid material such as rubber in order to increase the surface friction and durability of the slit sidewalls.

In reply, it should be noted that combining Chen with Stenner produces a scrubbing device that has holes **47** that are lined with rubber – not the applicant's invention. That is, there is nothing either in Chen or Stenner that teaches or suggests using slots / restraining slits in combination, wherein the slot extends to the periphery of the handle, the slot is oriented to be substantially parallel to the centerline of the handle, and wherein the slot and slit are at an angle greater than about 90° with respect to each other.

Thus, in applicant's view combining Chen with Stenner merely modifies Chen to include holes that have a rubber or other non-skid lining. Further, using Stenner to introduce slots into Chen would produce a non-operational invention (i.e., the applicant's slots pass completely through the handle and attempting to impose that structure on Chen would cut the annular projecting wall 42 into pieces).

As a consequence, for at least all of the above-identified reasons it is believed that the instant rejection of **Claims 6, 10, and 11** under Section 103 is improper and should be withdrawn.

Claims 13 and 15 stand as rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (USPN 6,453,503) as applied to Claim 1, in view of Chang (USPN 6,370,723). It is said that Chen discloses all elements of the claimed invention but does not include a rearward side of the handle having at least one massage boss thereon. It is further said that Chang teaches a scrubbing device that a handle 12 that has a rearward side having at least one massage boss thereon so that a user can clean with a porous scrubbing material and massage the body using the same cleaning tool.

In reply, it should be noted that, as has been discussed previously, Chen's invention utilizes holes instead of slits. Indeed, it is readily apparent that if Chen sought to introduce slots / slits of the sort taught by applicant into his invention, that sort of structure would render Chen's invention inoperable. Further, there is nothing either in Chen or Chang that teaches or suggests using retaining slots / slits in applicant's configuration in combination with scrubbing bosses on the rearward side of the handle.

Thus, in applicant's view combining Chen with Chang (or Chen in view of Chang) merely modifies Chen to include scrubbing bosses on the rearward face of his scrubbing implement.

As a consequence, for at least all of the above-identified reasons it is believed that the instant rejection of **Claims 13 and 15** under Section 103 is improper and should be withdrawn.

Claim 14 stands as rejected under 35 U.S.C. 103(a) as being unpatentable over Chen as applied to Claim 1, in view of Borchers et al. (US 6,510,577). It is said that Chen discloses all of the elements of the claimed invention but does not include "At least a portion of the handle being covered with an exfoliation mat". It is also said that Borchers et al. teach a scrubbing device having both a handle and porous scrubbing material wherein a portion of the handle is covered with an exfoliation mat. Further, it is said that the device of Borchers, et al. uses a device having both porous scrubbing material and an exfoliation mat so that a user can better exfoliate and remove dead cells from the skin while also maintaining a lather of soap.

In reply, it should be noted that, as has been discussed previously, Chen's invention utilizes holes instead of slits for purposes of retaining the scrubbing element on the handle. Further, if Chen sought to introduce slots / slits of the sort taught by applicant into his invention, that sort of structure would render Chen's invention inoperable. Finally, there is nothing either in Chen or Borchers that teaches or suggests using retaining slots / slits in applicant's configuration in combination with scrubbing bosses on the rearward side of the handle.

Thus, in applicant's view combining Chen with Chang (or Chen in view of Chang) merely modifies Chen to include an exfoliation mat on the rearward side of his handle. This is

not applicant's invention which, on the contrary, utilizes a slit / slot combination to hold the scrubbing element in place as has been discussed previously.

As a consequence, for at least all of the above-identified reasons it is believed that the instant rejection of **Claims 13 and 15** under Section 103 is improper and should be withdrawn.

Claims 9 and 20 stand as rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (USPN 6,453,503) as applied to Claims **1 and 16**, respectively, in view of Sabo (USPN D156,039). It is said that Chen discloses all of the elements of the claimed invention but does not include that each of two retaining slits has a different width, which it is said that Sabo teaches. It is also said that Sabo teaches a holder for a porous scrubbing device wherein the retaining slits each have a different width.

In reply, and as has been indicated previously, Chen's invention utilizes holes instead of slits for purposes of holding the scrubbing element in place on the handle. Further, if Chen sought to introduce slots of the sort taught by Sabo into his invention, that modification would render Chen's invention inoperable. Still further, there is nothing either in Chen or Sabo that teaches or suggests using retaining slots / slits in applicant's configuration in combination with slits of two different widths.

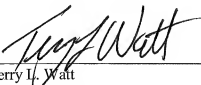
As a consequence, for at least all of the above-identified reasons it is believed that the instant rejection of **Claims 9 and 20** under Section 103 is improper and should be withdrawn.

* * *

In view of the foregoing, the applicants believe that the rejections and objections offered by the Examiner have been overcome and should be withdrawn. It is believed that the

claims – both as-filed and as-amended – are in condition for allowance and should be passed to the issue branch. Early and favorable action is earnestly solicited.

Respectfully submitted,

 6/14/07
Terry L. Watt Date
Registration No.: 42,214
Fellers, Snider, Blankenship, Bailey &
Tippens
The Kennedy Building
321 South Boston, Suite 800
Tulsa, OK 74103-3318
Phone: (918) 599-0621
Fax: (918) 583-9659

#405541 v1